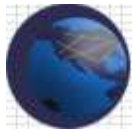




Data Sharing and Intellectual Capital Working Group – Proprietary Team Teleconference

DSIC Meeting Minutes

Date, Time & Location:	November 11, 2004 2:00 – 3:00 EST
Attendees:	Howard Bilofsky Vincent Yau Tom Casavant Bob Robbins Mark Watson Carol Bult Terry Braun Brian Gilman Mike Becich Wendy Patterson Phan Winter Doug Fridsma (UPMC visitor from CTMS WS) Pat Harsche-Weeks
Introduction:	<p><u>Roll-call, open meeting, review meeting goals</u></p> <p>Meeting note taking will be assigned on a rolling basis. (Terry Braun took notes for this meeting).</p> <p>Doug Fridsma (Pittsburgh) will join the call at 2:30.</p>
Overview Discussion:	<p><u>Status of the use case/scenarios template</u></p> <p>A template for soliciting use cases/scenarios was sent out to DSIC WG by Phan. This template was produced by the Architecture group, and thus has elements that do not apply to DSIC's purpose. Questions were raised with the concern that some of the language within the template seems "foreign", and there is a need to see a real case in which the template was applied. To address these concerns, Wendy asked that everyone should review the template and be prepared to offer and discuss suggestions for adapting it for our use at the next call. For a real case, Brian Gilman has examples of use cases that have been produced using this template. He will send these to Phan to be distributed.</p> <p><u>Open source License</u></p> <p>Pat asked if everyone has had a chance to review the draft that was sent out by Phan; there were no comments.</p> <p><u>Subcommittee reports: Discussion of goals and strategies</u></p> <p>The general responses to Pat's request for subcommittee reports were that the subgroups are still preparing material and identifying tasks, and do not have any progress yet to report. Pat suggested that subcommittees launch their activities after this call; each is tasked with scheduling meetings/exchange e-mails to discuss issues.</p> <p>Brian Gilman and Terry Braun volunteered to participate on the Data subgroup.</p> <p><u>Definitions working list – suggestions</u></p> <p>Pat commented that this is a re-visitation of discussion from previous call. This is an attempt to come up with standard definitions of terms that used in caBIG that may need to be clarified to help the Proprietary team to move forward with its activities in</p>



Data Sharing and Intellectual Capital Working Group – Proprietary Team Teleconference

white paper and model agreement development

A question was raised: Is there an effort to list definitions across all caBIG groups? Several responses lead to a general conclusion that the VCDE WG is probably doing some definition specification – but these are not in a legal sense. It is useful for the Proprietary team to come up with a list of terms that are relevant to our activities. For example: “ownership” and “biospecimen” need to be defined.

Action Item: A draft list of terms will be started and circulated to facilitate discussion. Group members should contribute to the list using previous experiences with license agreements.

Discussion of publication policy

There was a request to note the fourth bullet under Guiding Principles– “Publication will need to be approved by caBIG; caBIG-related work must go through the review process.” This raised concerns that there is a possibility that publications will not be approved after review.

Mike Becich, who has extensive experience with similar policies, noted that the barring of publications almost never occurs.

Bob Robbins commented that the phrase “caBIG-related” is not defined, thus this statement has little meaning.

This discussion led to an action item for everyone to thoroughly review the document, generate a list of questions for feedback of Publication Policy document. This written feedback should be sent to Phan

Howard pointed out that the encouragement from caBIG leadership to rapidly publish notes/reports for caBIG activities on the website and have them be open seems to contradict this bullet.

There were requests that a “Word” version of this document be made available for edits. Phan will send out a word document to be circulated for comments/edits, and marked copies should be returned to her.

The issue of opportunity for junior faculty to have lead authorship was raised and acknowledged. However, there should also be “protection for first/senior authors.” Another issue is the dilution of publication value when adding “the caBIG community” as a co-author. Mike Becich has examples of how this has been handled in other instances and will provide these.

Discussion of Timeline

Wendy and Pat agreed that it is too soon to have a detailed timeline. However, they noted that the work of this group affects other groups and hence we need to tackle the timeline issues to assure we meet caBIG needs.

Open Discussion

Doug Fridsma joined the call with a set of questions.

Background: He is the director of Clinical Trials at Pittsburgh. They are developing applications for managing clinical trials (CT). This includes developing structured protocols and evaluating tools/protocols that exist elsewhere. From discussions with a company (Fastrack) and others, he has become aware of at least 4 patents for structured protocols – which is similar to the activities being funded by the NCI (i.e. caBIG). Other patents exist for data analysis (algorithms and others), protocol management, and protocol authoring. He raised several questions.

Data Sharing and Intellectual Capital Working Group – Proprietary Team Teleconference

First: Could institutions be liable for patent infringement by performing their contractual obligations to create these tools? Wendy responded that there is a contract provision in the caBIG agreements signed by participating Centers in which the federal government authorized and consented to the use of all patented inventions, which would include patents owned by third parties. Since the government thereby assumed liability for infringement of such patents, participating Centers should ultimately be protected from third party suits.

Second: How do we respond to people who assert claims based on intellectual property rights? Wendy advised the group to refer to the caBIG contracts and the specific clause in which the government has given its authorization and consent to be sued in cases involving the use of third party patents.

Third: If a solution (software application) already exists, should caBIG investigators avoid working on similar applications? Not necessarily. Wendy reminded the group that the government and not the cancer centers would ultimately be involved in suits involving the use of software patented by third parties. However, the group expressed concern about knowingly using third party patent rights. Doug pointed out that there are no activities scheduled or funded under task orders for patent searches, infringement analyses, etc. In this regard, the group noted that patent searches and infringement evaluation require expertise and resources that do not exist at caBIG institutions. Therefore, any response to third party claims of potential infringements will need to be addressed on a case-by-case basis.

The group concluded that it would be a good idea to develop a protocol to address these issues. Wendy and Pat agreed to start working on guidelines explaining to caBIG participants when they should voice their concerns and to whom.